

AMENDED IN SENATE MAY 27, 2011

AMENDED IN SENATE APRIL 25, 2011

**SENATE BILL**

**No. 678**

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**Introduced by Senator Negrete McLeod**

February 18, 2011

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An act to add Section 1203.83 to the Penal Code, relating to probation.

LEGISLATIVE COUNSEL'S DIGEST

SB 678, as amended, Negrete McLeod. Probation: community corrections multidisciplinary teams.

Existing law authorizes the members of multidisciplinary teams engaged in the prevention, identification, and control of juvenile crime to share certain information with each other, as specified.

This bill would, in addition, authorize counties, for purposes of providing evidence-based practices and supervision to convene community corrections multidisciplinary teams engaged in providing community corrections supervision, ~~treatment, and services and evidenced-based rehabilitation programs~~, as specified. *The bill would require each community corrections multidisciplinary team to maintain an informed consent policy in order to authorize the sharing of confidential, privileged, or protected information among members of the team, as specified. The bill would additionally require the county probation officer in each county utilizing a community corrections multidisciplinary team to develop and implement a memorandum of understanding between the agencies participating in the community corrections multidisciplinary team that includes, among other things, a description of the types of information and writings that may be shared between team members.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1203.83 is added to the Penal Code, to  
2 read:

3 1203.83. (a) Counties are authorized to convene community  
4 corrections multidisciplinary teams for purposes of providing  
5 evidence-based practices and supervision. Every member of a  
6 community corrections multidisciplinary team who receives  
7 ~~nonprivileged~~ information or writings shall be under the same  
8 privacy and confidentiality obligations and subject to the same  
9 penalties for violating those obligations as the person disclosing  
10 or providing the information or writings. The information obtained  
11 shall be maintained in a manner that ensures the protection of  
12 confidentiality.

13 ~~(b) As used in this section, “nonprivileged information” means~~  
14 ~~any information not subject to a privilege pursuant to Division 8~~  
15 ~~(commencing with Section 900) of the Evidence Code.~~

16 *(b) Each community corrections multidisciplinary team shall*  
17 *maintain an informed consent policy in order to authorize the*  
18 *sharing of confidential, privileged, or protected information among*  
19 *members of the team. The policy shall be developed and*  
20 *implemented by the county probation officer with the advice of the*  
21 *local Community Corrections Partnership. The informed consent*  
22 *procedures shall be in compliance with state and federal laws*  
23 *protecting the confidentiality of the types of information and*  
24 *writings that may be in the files maintained by the community*  
25 *corrections multidisciplinary team. The informed consent*  
26 *procedures shall provide the probationer with an opportunity to*  
27 *consult with an attorney prior to consenting to the release of*  
28 *information and contain provisions to inform the probationer of*  
29 *the types of information and writings that may be shared between*  
30 *members of the community corrections multidisciplinary team and*  
31 *the types of information and writings the probation officer will*  
32 *report to the court granting probation.*

33 (c) As used in this section, “community corrections” means the  
34 placement of persons convicted of a felony offense under probation

1 supervision, with conditions imposed by a court for a specified  
2 period.

3 (d) As used in this section, “multidisciplinary team” means any  
4 team of three or more persons, the members of which are engaged  
5 in providing community corrections supervision, ~~treatment, and~~  
6 ~~services and evidence-based rehabilitation programs.~~ The team  
7 may include, but is not limited to:

8 (1) Probation officers.

9 (2) Police officers, sheriffs’ deputies, and other ~~law enforcement~~  
10 ~~peace~~ officers.

11 (3) Social workers.

12 (4) Health and mental health providers.

13 (5) Substance abuse treatment providers.

14 (6) Education professionals.

15 (7) Employment coordinators.

16 (8) Representatives from community-based organizations with  
17 experience in successfully providing rehabilitative services.

18 (e) As used in this section, “evidence-based practices” means  
19 supervision policies, procedures, programs, and practices  
20 demonstrated by scientific research to reduce recidivism among  
21 individuals under probation, parole, or postrelease supervision.

22 (f) *As used in this section, “Community Corrections*  
23 *Partnership” means a local Community Corrections Partnership*  
24 *established pursuant to Section 1230.*

25 (f)

26 (g) This section shall not be construed to independently  
27 authorize access to, or possession of, information from local, state,  
28 or federal information systems or databases that multidisciplinary  
29 team members are authorized to access or possess in the course of  
30 their duties.

31 (h) *In each county utilizing a community corrections*  
32 *multidisciplinary team, the county probation officer, advised by*  
33 *the local Community Corrections Partnership, shall develop and*  
34 *implement a memorandum of understanding between the agencies*  
35 *participating in the community corrections multidisciplinary team*  
36 *that includes, but is not limited to, the role of each participating*  
37 *team member and agency, a description of the types of information*  
38 *and writings that may be shared between team members, the*  
39 *circumstances under which the information will be shared, a*  
40 *description of the information and writings the probation officer*

- 1 *will report to the court, an informed consent policy, and procedures*
- 2 *for administering the informed consent policy pursuant to*
- 3 *subdivision (b).*